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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,623	10/05/2000	Maki Yukawa	2257-163P	8138
7590	01/23/2006			
Birch Stewart Kolasch And Birch PO Box 747 Falls Church, VA 22040-0747				EXAMINER TRAN, KHANH C
				ART UNIT 2631 PAPER NUMBER

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/679,623	YUKAWA, MAKI
	<b>Examiner</b>	<b>Art Unit</b>
	Khanh Tran	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 November 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,7 and 16 is/are rejected.  
 7) Claim(s) 3-6 and 8-15 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06/10/2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

1. The Amendment filed on 11/09/2005 has been entered. Claims 1-16 are pending in this Office action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-2, 7 and 16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimoji U.S. Patent 6,353,930 B1 in view of Perkins et al. U.S. Patent 5,859,660.

Regarding claims 1 and 16, referring to the flow chart of figures 28 and 29, see also figure 4, in column 52 line 65 via column 54 line 45, Shimoji teaches the entire operation procedure for a data reception apparatus 121 including the reception control unit 126 (e.g. corresponding to the claimed parameter set portion) for setting program parameter as described in column 53 lines 35-65, the

TS decoder unit 123 (e.g. corresponding to the claimed signal extraction portion) for extracting the program signal as described in column 53 lines 20-45. In column 53 line 60 via column 54 line 45, the reception control unit 126 performs the content switching processing as disclosed in the application claim.

Shimoji does not disclose the program signal includes a PCR (program clock reference) as claimed in the application claim.

In column 2 line 50 via column 3 line 5, Perkins et al. discusses that FIG. 1B shows the format of an exemplary adaptation field in an MPEG-2 transport packet. The adaptation field may include a 42-bit program clock reference (PCR), which represents the value of the system time clock (STC) for a given program at the time when the PCR bits were inserted into the transport stream. Each program may have a different STC and therefore transport packets carrying elementary streams from different programs will generally have asynchronous PCRs. The PCR information is inserted into a transport packet during an encoding or multiplexing operation and is utilized in transport packet decoding to initialize and maintain the decoder system clock. Synchronization of audio, video and data streams within a given program is provided using the PCR information as well as the PTSs and DTSs, which may be placed in the PES packet header. Sonoda et al. and Perkins et al. teachings are in the same field of endeavor. Because the PCR information is inserted into a transport packet during an encoding or multiplexing operation and is utilized in transport packet decoding to initialize and maintain the decoder system clock, it would have been obvious for

one of ordinary skill in the art at the time of the invention that the transport stream, corresponding to the program signal, includes a program clock reference. Motivation is that as discussed by Perkins et al., synchronization of audio, video and data streams within a given program is provided using the PCR information.

Regarding claim 2, as recited in claim 1, also in column 54 lines 4-15, the reception control unit 126 monitors the content change flag every predetermined time to be "0" or "1".

Regarding claim 7, referring to figure 4, the receiver receives digital broadcast signal directly from outside.

***Allowable Subject Matter***

4. Claims 3-6 and 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shimoji et al. U.S. Patent 6,986,159 B1 discloses "Method and System For Receiving And Recording Digital Broadcast Programs".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007.

The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

khankonathan

01/20/2006

Examiner KHANH TRAN